

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CYNTHIA TONEY,

Plaintiff,

v.

CASE NO. 2:06-cv-949-ID

**MEDICAL DATA SYSTEMS, INC.
d/b/a MEDICAL REVENUE
SERVICES, INC.**

JOINT MOTION TO STAY PROCEEDINGS

Defendant Medical Data Systems, Inc. ("MDS") and Plaintiff Cynthia Toney respectfully move this Court to grant this Joint Motion to Stay Proceedings in this matter.

In support of this Motion, the parties show the Court the following:

1. On November 14, 2007, counsel for both Plaintiff and MDS conferred regarding this Motion and are in agreement as to the terms of this Motion. Accordingly, Plaintiff is abandoning her prior position opposing a stay in this matter because Plaintiff is in agreement with MDS that a resolution in *Cambron* will assist the parties in resolving this matter more efficiently and effectively.
2. Specifically, in the consolidated case of *Cambron v. Medical Data Systems, Inc.* (also styled as *Carn v. Medical Data Systems, Inc.*), case numbers 1:07-cv-369 and 1:07-cv-370, the issue of the validity of a form debt collection letter sent by MDS to the plaintiffs under the FDCPA is currently under *de novo* review before the Honorable Harold Albritton. The letter at issue in *Cambron* is substantially similar to the letter at issue in this matter.

3. Additionally, on November 9, 2007, Judge Myron H. Thompson stayed another related case, *Andrews v. Medical Data Systems, Inc.*, case no. 1:06-CV-729, one week prior to trial, pending a resolution of the *Cambron* matter. *Andrews* also involves a similar collection letter as the letter at issue in this matter and *Cambron*.
4. Moreover, the Bankruptcy Court previously issued a stay in all of the cases pending before it that involved a similar collection letter, pending a resolution of *Cambron*.
5. Plaintiff and MDS both recognize that the legal issues involved in the instant case are similar to the legal issues involved in these related cases, of which all but one are being pursued by Plaintiff's counsel.
6. In consenting to this Joint Motion to Stay Proceeding, neither Plaintiff nor MDS admits or concedes that *Cambron* indisputably determines the appropriate outcome of this litigation. Rather, both parties consent to the imposition of a stay in this matter pending the resolution of *Cambron* in the interest of judicial efficiency and to preserve the opportunity to pursue additional settlement possibilities that may arise in the wake of *Cambron*.
7. Both MDS and Plaintiff agree to revisit the appropriateness of this stay, if granted by this Court, should resolution of the *Cambron* case not proceed in a timely manner.
8. An attached Order granting this Joint Motion to Stay Proceedings is attached to this motion as "Exhibit A" for the convenience of the Court.

Respectfully submitted this 16th day of November, 2007.

CONSENTED TO BY:

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November, 2007, I electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

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/s/ J. Kirkman Garrett
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Exhibit A

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**(PROPOSED)
ORDER TO STAY PROCEEDINGS**

Now, after consideration of the merits and of the joint motion to stay proceedings submitted by Plaintiff Cynthia Toney and Defendant Medical Data Systems, Inc., IT IS HEREBY ORDERED AND ADJUDGED that the Joint Motion to Stay Proceedings in this matter is GRANTED.

Furthermore, all outstanding deadlines under the scheduling order in effect in this matter shall be tolled and reset as appropriate upon a termination of this stay.

So ordered this _____ day of _____, 2007

United States District Judge